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*Counsel to GLAS USA LLC,
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:) Case No. 17-12642-MKN
) Chapter 11 (involuntary)
EB HOLDINGS II, INC., a Nevada corporation,)
)
Alleged Debtor.)
_____)

**NOTICE OF NO OPPOSITION CONCERNING
GLAS USA LLC'S MOTION FOR SUMMARY JUDGMENT**

GLAS USA LLC, in its capacity as administrative agent under that certain PIK Loan Agreement dated March 23, 2007 ("**GLAS**"), hereby submits this Notice of No Opposition concerning GLAS's *Motion for Summary Judgment and Entry of an Order for Relief Pursuant to Fed. R. Bankr. P. 7056 and Section 303(h) of the Bankruptcy Code* [ECF No. 80] (the "**Motion for Summary Judgment**"), and respectfully states as follows:

1. On May 18, 2017, GLAS and other petitioning creditors filed an involuntary chapter 11 petition against EB Holdings II, Inc. (the "**Alleged Debtor**").

2. On June 22, 2017, GLAS filed and served the Motion for Summary Judgment, requesting entry of an order for relief against the Alleged Debtor pursuant to section 303(h) of the Bankruptcy Code.

1 3. As agreed in open court last month, GLAS's hearing with respect to the Motion for
2 Summary Judgment is calendared for August 17, 2017 [*see* ECF Nos. 98, 99, 102].

3 4. Pursuant to Rule 7056(c) of this Court's Local Rules of Bankruptcy Practice, the deadline
4 for the Alleged Debtor to file any opposition to GLAS's Motion for Summary Judgment was July 13,
5 2017, which date was "twenty-one (21) days after service of the moving party's points and authorities"
6 on June 22 [*see* ECF No. 101]. The Court confirmed this deadline at the June 27 status conference, and
7 counsel for the Alleged Debtor appeared to acknowledge it at that time. [ECF No. 102, at 24:22-25:5].
8 In addition, the Notice of Hearing with respect to the Motion for Summary Judgment [ECF No. 98]
9 expressly states that objections to the same were due by July 13.

10 5. The Alleged Debtor did not file any opposition/response to the Motion for Summary
11 Judgment on July 13, nor did the Alleged Debtor seek any extension of its deadline to file such an
12 opposition/response.

13 6. On July 14, the undersigned notified counsel to the Alleged Debtor by email of its failure
14 to file any opposition/response by the applicable deadline, and requested that, if the Alleged Debtor
15 intended to file any such opposition or response, it do so by 9 a.m. (Pacific Time) on July 17.¹ The
16 Alleged Debtor has ignored GLAS's communication and—as of the filing of this Notice—has not filed
17 any opposition/response on the docket.

18 7. As a result, the Alleged Debtor in default with respect to the Motion for Summary
19 Judgment.

20 8. Therefore, if the Court denies the Debtor's *Motion to Dismiss Involuntary petition, or, in*
21 *the Alternative, to Abstain, and Reservation of Rights Under 11 U.S.C. § 303(i)* [ECF No. 73], the Court
22 should grant the Motion for Summary Judgment and enter an order for relief against the Alleged Debtor
23 pursuant to section 303(h) of the Bankruptcy Code.

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¹ A copy of the July 14 correspondence is attached hereto as **Exhibit A**.

1 Dated: July 17, 2017

Respectfully,

2 /s/ Matthew C. Zirzow

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